

MEMO ENDORSED

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January 4, 2023

CLERK, US DISTRICT COURT
DANIEL PATRICK MOYNIHAN FED COURTHOUSE
500 Pearl Street
New York, NY 10007

Re: United States v Julio Ceasar Prado
Dkt No: 20 cr 506 - 001
USM No: #32653-069

Dear Clerk:

Please find enclosed/attached for filing, a Motion Requesting FSA sentence Credits, pursuant to 18 USC § 3582(c)(2), with Exhibits and Certificate of Service.

As a professional courtesy, would you please provide me with a copy of my docket/text sheet, as well as a copy of this filing, [a]s I do not have access to a copier. The copy requested, is for my personal records.

Thanking you in advance, for your time and consideration in this most important matter. May you have a blessed and prosperous New Year. GOD Bless.

Sincerely,

/s/



JULIO CEASAR PRADO
FCI Ray Brook
PO Box 900
Ray Brook, NY 12977-0900

Mr. Prado's motion at Dkt. 42 (the "Motion") is DENIED without prejudice for improper venue.

Although Mr. Prado brings the Motion pursuant to 18 U.S.C. § 3582(c)(2), the Court construes it as a habeas corpus petition under 28 U.S.C. § 2241 because a petitioner's challenge to the execution of his sentence, "including the loss of good time credits," is "properly brought via an application for a writ under § 2241." *Carmona v. BOP*, 43 F.3d 629, 632 (2d Cir. 2001). A habeas corpus petition that challenges "present physical confinement" must be brought in the district of confinement. *Lallave v. Martinez*, No. 22-CV-791 (NGG) (RLM), 2022 WL 2338896, at *3 (E.D.N.Y. June 29, 2022) (quoting *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004)). Because Mr. Prado is incarcerated at FCI Ray Brook, venue is proper in the Northern District of New York. See *Middleton v. Schult*, 299 F. App'x 94, 94 n.1 (2d Cir. 2008).

Mr. Prado is directed to send his motion to the Northern District of New York at John M. Domurad, Clerk U.S. District Court, Federal Building, P.O. Box 7367, 100 S. Clinton Street, Syracuse, New York 13261-7367.

The Clerk of Court is respectfully directed to close the open motion at Dkt. 42 and to mail a copy of this Order to Mr. Prado at FCI Ray Brook, P.O. Box 900, Ray Brook, NY 12977-0900.

SO ORDERED.

 01/13/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE